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**REPORTS OF THE
PUBLIC ADVISORY TASK FORCES
TO THE
STATE WATER RESOURCES CONTROL
BOARD**

**REGARDING DEVELOPMENT
OF THE
INLAND SURFACE WATERS PLAN
AND THE
ENCLOSED BAYS AND ESTUARIES PLAN**

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PREFACE

This document contains the reports produced by the eight public advisory task forces that were formed to address issues related to the development of a new Inland Surface Waters Plans (ISWP) and a new Enclosed Bays and Estuaries Plan (EBEP). These reports are being submitted to the State Water Resources Control Board (SWRCB) and its staff for consideration during the development of the ISWP and EBEP. The eight task forces are: (1) chemical-specific objectives; (2) site-specific objectives; (3) toxicity objectives; (4) agricultural waters; (5) effluent-dependent water bodies; (6) permitting and compliance issues; (7) watershed; and (8) economic considerations. Each of the eight parts of this document corresponds to the respective task forces and consists of a task force roster indicating members and alternate members representing 11 interest categories, an attendance roster, and the task force report. These reports were prepared for presentation to the SWRCB at its November 1, 1995 Board Workshop.

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Task Force Reports

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INTRODUCTION

The Division of Water Quality, State Water Resources Control Board (SWRCB), has responsibility for developing two statewide water quality control plans, an Inland Surface Waters Plan (ISWP) and an Enclosed Bays and Estuaries Plan (EBEP). The purpose of the plans is to apply water quality objectives for toxic chemicals to the waters of the State/United States pursuant to the Porter-Cologne Water Quality Control Act (Porter-Cologne) and the 1987 amendments to the federal Clean Water Act (CWA).

Background

The SWRCB adopted an ISWP and an EBEP on April 11, 1991 (Resolution No. 91-33). These two statewide water quality control plans, which contained narrative, numeric, and toxicity water quality objectives for toxic pollutants, were adopted, in part, to fulfill the requirements of Section 303(c)(2)(B) of the CWA (adoption of water quality objectives for priority pollutants). Since the SWRCB's adoption of the plans, two parallel tracks of activities occurred: (1) U.S. Environmental Protection Agency (USEPA) action regarding California's compliance with the CWA, and (2) litigation against the SWRCB regarding the plans.

Pursuant to the CWA, the SWRCB submitted, on May 10, 1991, the ISWP and the EBEP to the USEPA for review and approval. On November 6, 1991, the USEPA took action on the ISWP and the EBEP which included: (1) disapproval of performance goals for category (a), (b), and (c) water bodies (i.e., reclaimed water-dependent ephemeral streams, natural water bodies dominated by agricultural drainage, and constructed agricultural drains, respectively); (2) deferral of action on the "due diligence" approach to implementing toxicity objectives; and (3) disapproval of the lack of water quality objectives for all priority pollutants. On November 19, 1992, the SWRCB adopted water quality objectives for the priority pollutants that were not included in the initial adoption of the plans. The USEPA and SWRCB staff, among continuing efforts to resolve the remaining issues, held a joint staff workshop on November 23, 1992. Meanwhile, the USEPA had prepared a draft National Toxics Rule (NTR) which included, for California, the promulgation of standards for the priority pollutants not included in the 1991 plans and for category (a), (b), and (c) water bodies. The NTR was promulgated in December 1992 and became effective on February 5, 1993.

Concomitant to the regulatory track of activities to amend the 1991 plans discussed above, the ISWP and the EBEP were challenged in court soon after their adoption. In March 1994, the Sacramento County Superior Court issued a final decision that concluded that the plans were not adopted pursuant to California law. Final judgments from the Court, issued in July 1994, directed the SWRCB to rescind the ISWP and the EBEP. In response to the Court's direction, the SWRCB rescinded the 1991 plans and the subsequent amendments on September 22, 1994 (Resolution No. 94-87). This action leaves California without statewide water quality objectives for toxic pollutants for inland surface waters and enclosed bays and estuaries, except for

those standards promulgated by the USEPA under the December 1992 NTR. California, therefore, is not in compliance with the 1987 amendments to the CWA that requires states to adopt standards for priority pollutants. Consequently, the USEPA is required to promulgate standards to bring California into compliance with the CWA. Accordingly, the USEPA is currently preparing a draft rule to promulgate standards to replace those contained in the now rescinded ISWP and EBEP. The USEPA expects to publish this draft rule in the Federal Register in Spring 1996.

SWRCB staff has begun the process of developing new draft plans and a Functional Equivalent Document (FED). The California Environmental Quality Act (CEQA) provides that a regulatory program of a State agency is exempt from the requirements for preparing Environmental Impact Reports, Negative Declarations, and Initial Studies if the program is certified as "functionally equivalent" to the CEQA process by the Secretary of the Resources Agency. The process used by the SWRCB to develop and adopt the ISWP and the EBEP, including preparation of an FED, has received such certification [Title 14, California Code of Regulations, Section 15251(g)].

As required as part of the settlement for litigants' attorney fees in the lawsuit against the SWRCB regarding the plans, a facilitated public advisory task force process was initiated to consider issues relevant to the development of the new statewide plans and FED. This task force process, discussed below, initiated the public process to develop and adopt the new plans.

Task Force Process

The task force process began with an organizational meeting to formulate the public advisory task forces on December 12, 1994. At the December 1994 organizational task force meeting, meeting participants selected task force members and alternate members to represent eleven interest groups on eight issue-specific task forces. The eleven interest groups are: publicly-owned treatment works, stormwater, industry, agriculture, water supply, environmental, public health, USEPA, fish and wildlife, RWQCBs, and SWRCB. The eight task forces are: chemical-specific objectives, site-specific objectives, toxicity, agricultural waters, effluent-dependent waters, permitting and compliance issues, watershed, and economics issues.

The task forces began addressing issues related to the development of a new ISWP and EBEP at their first monthly meetings in April 1995. In addition to the individual monthly task force meetings, mid-course meetings of all task forces were held on June 1, 1995 and August 1, 1995 to present progress reports of individual task force meetings, and to discuss cross-cutting issues. In September 1995, individual task forces met for the last time to prepare written reports to the SWRCB regarding their findings and recommendations on specific issues. These individual task force reports, which contain consensus recommendations and/or alternatives/options for the issues considered, are included in this document as Parts I-VIII.

This document was distributed to the task force participants for review prior to a final "all task forces" meeting on October 24, 1995. The October 24 meeting was convened to identify inconsistencies between task force reports, and to coordinate task force report presentations to the SWRCB at the Board Workshop on November 1, 1995. Identified inconsistencies and clarifications regarding the task force reports are included in the Addendum following Part VIII.